

HOUSE BILL No. 1397

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-21

Synopsis: Fee for public safety protection. Authorizes a county, township, or other municipal corporation providing public safety protection to property held and managed by the department of natural resources to charge the department a fee.

Effective: July 1, 2005.

Stutzman

January 13, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1397

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-8-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 21. Public Safety Protection Fees

Sec. 1. This chapter applies to a municipal corporation that provides police, fire, emergency medical, or animal control services.

Sec. 2. As used in this chapter, "department" refers to the department of natural resources.

Sec. 3. As used in this chapter, "providing public safety protection" means the operation of any of the following by a municipal corporation:

- (1) A police department.**
- (2) A fire department.**
- (3) An emergency medical service.**
- (4) An animal control department.**

Sec. 4. (a) The fiscal body of a municipal corporation may adopt



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an ordinance or a resolution to establish reasonable fees for providing public safety protection to property that is:

- (1) held and managed by the department; and
- (2) located within the corporate boundaries of the municipal corporation.

(b) Fees established under this chapter are annually payable by the department for each parcel of real property described in subsection (a).

(c) A fee established under this chapter may consist of any combination of the following:

- (1) A flat charge.
- (2) A constant charge per square foot multiplied by the square footage of all improvements located on each lot and parcel of real property.
- (3) A constant charge per square acre multiplied by the acreage of each parcel of unimproved real property.

Sec. 5. (a) After the introduction of an ordinance or resolution establishing fees under section 4 of this chapter, but before the ordinance or resolution is finally adopted, the fiscal body of the municipal corporation shall hold a public hearing at which interested persons may testify concerning the proposed fees.

(b) Notice of the hearing setting forth the proposed schedule of fees shall be published in accordance with IC 5-3-1. The hearing may be adjourned from time to time.

(c) After the hearing, the fiscal body of the municipal corporation may adopt the ordinance or resolution establishing the fees, either as originally introduced or as modified.

(d) The fees established under this section apply to property within the corporate boundaries of the municipal corporation:

- (1) that is acquired by the department; and
- (2) to which the municipal corporation provides public safety protection;

after the adoption of the ordinance or resolution establishing the fees.

(e) The fiscal body of a municipal corporation may change or adjust the fees established under this section in the same manner in which the fees were established.

Sec. 6. A fee imposed under this chapter shall be paid before December 15 of each year by the treasurer of state on warrant of the auditor of state after the municipal corporation submits an itemized bill to the department.

Sec. 7. A fee paid under this chapter:

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- 1 (1) must be paid to the fiscal officer of the municipal
- 2 corporation;
- 3 (2) must be deposited in the municipal corporation's general
- 4 fund;
- 5 (3) may not be used to reduce the municipal corporation's
- 6 maximum levy under IC 6-1.1-18.5, but may be used at the
- 7 discretion of the municipal corporation to reduce the property
- 8 tax levy of the municipal corporation for a particular year;
- 9 (4) may be used for any legal or corporate purpose of the
- 10 municipal corporation, including the pledge of money to
- 11 bonds, leases, or other obligations under IC 5-1-14-4; and
- 12 (5) is considered miscellaneous revenue.
- 13 **Sec. 8. The fiscal body of a municipal corporation may only**
- 14 **impose a fee under this chapter by the adoption of:**
- 15 (1) an ordinance, in the case of a county, city, or town; or
- 16 (2) a resolution, in the case of any other municipal
- 17 corporation.

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